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## Equitable Services Spending Snapshot

*Under the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA), local educational agencies (LEAs) are required to provide services for public school students and eligible non-public school students. In particular, Sections 1117 of Title I, Part A and 8501 of the Uniform Provisions for Private Schools lay out the services to be provided.*

All federally-funded program costs must be:

- (1) Reasonable:** consistent with prudent business practice and comparable current market value;
- (2) Necessary:** required to carry out the intent and purpose of the federal program; and
- (3) Allocable:** chargeable or assignable in accordance with relative benefits received.

In addition, costs must be aligned with generally accepted accounting principles (GAAP) and adequately documented and budgeted within the grant.

**Supplement vs. Supplant:** Federal funds must be used to supplement (increase the level of services) and not supplant (replace) funds from non-federal sources. Any program activity required by state law or local board policy may not be paid with these funds. State or local funds may not be decreased or diverted for other uses merely because of the availability of these funds. District and school personnel must maintain documentation that clearly demonstrates the supplementary nature of these funds. The federal supplement, not supplant, provision is intended to ensure that services provided under federal funds are in addition to, and not in place of, local funds if federal funds were not available.

In determining whether a particular use of funds would violate the non-supplanting requirement, private and non-public LEAs should consider matters such as whether the cost involved is currently paid for using State or local funds or whether the cost involved is for an activity that is required by State or local law. The SEA or LEA may not decrease the amount of State or local funds used to pay the cost of an activity simply because of the availability of federal funds.

**Sections 1117 and 8501 of ESSA:** Federal law requires school districts receiving funding under ESSA to provide eligible children attending private elementary and secondary schools, their teachers, educational personnel, and their families with services that are equitable to those provided to eligible public-school children, their teachers and other educational personnel, and their families. Educational services or other benefits, including materials and equipment, shall be secular, neutral, and non-ideological and shall be provided in a timely manner.

To ensure compliance with the entirety of this mandate, each school district must plan to provide full-school year programming and must consult with private school officials in a timely and meaningful manner. Consultation must take place before any transfer of funds. The district and private school officials shall both have the goal of reaching an agreement on how to provide equitable and effective programs for eligible private school children, and the results of which agreement shall be transmitted to the ombudsman designated under section 1117 (a)(3)(B). The district must allocate and obligate funds in the fiscal year for which the funds are received and expenses must be reasonable and necessary to carry out the purpose and intent of the program.

Please be aware that equitable share calculations for private schools participating in Title I differ from those participating in the other Title programs. Title I non-public school equitable shares are based on the number of non-public low-income school children residing in the participating public-school attendance area. Services are based on the students with the greatest academic need. Titles II and IV nonpublic equitable share is based on the total population of the non-public schools that are physically within the district boundaries regardless of the number of non-public students that would attend that public school.

Title I services in a nonpublic school follow the guidelines of a Targeted Assisted program. Students with the greatest need are determined through a multi-criteria selection and instructional services are provided for those students. Training can be provided for teachers/professional staff that directly impact the targeted students. Grant services for Title II and IV should follow the guidelines of each grant.

The following chart contains examples of allowable and unallowable expenses for Titles I, II, III, and IV. This is not an exhaustive list and questions or concerns related to allowable and unallowable uses of ESEA funding can be directed to the Maine Department of Education.

### **Title I, Part A:**

Allowable Uses of Grant Funds	Unallowable Uses of Grant Funds
<ul style="list-style-type: none"> <li>✓ Salaries/Benefits for instructional services supplementing instruction for targeted students</li> <li>✓ Professional development costs for teachers who work with targeted students</li> <li>✓ Supplies and materials needed to aid the Title I teacher in the instruction of targeted and identified students</li> <li>✓ Equipment used for direct instruction of students that have been targeted and identified for Title I services</li> <li>✓ Costs to bring in educational speakers during the parent and family engagement meetings for parents of targeted and identified students</li> <li>✓ Costs for supplies, materials, and light refreshments to put on parent and family meetings</li> </ul>	<ul style="list-style-type: none"> <li>✗ Salaries for regular classroom teachers or paraprofessional as the sole Title I instructional provider for targeted students</li> <li>✗ Professional development solely based on ideological concepts and agenda</li> <li>✗ General instructional materials used for all students</li> <li>✗ Equipment used in general education classrooms</li> <li>✗ Costs for food to cater parent and family engagement meetings</li> <li>✗ Incentives, prizes, and gift cards</li> <li>✗ Non-educational games and social events</li> <li>✗ Direct reimbursements to non-public and private schools</li> </ul>

**Title II, Part A:**

Allowable Uses of Grant Funds	Unallowable Uses of Grant Funds
<ul style="list-style-type: none"> <li>✓ Stipends for teachers to attend workshops held outside of the normal school day</li> <li>✓ Professional development to meet the specific needs of students enrolled</li> <li>✓ Supplies and materials to be used strictly for professional development, such as books</li> </ul>	<ul style="list-style-type: none"> <li>✗ Class size reduction teachers</li> <li>✗ Professional development solely based on ideological concepts and agenda</li> <li>✗ Instructional materials used for students</li> <li>✗ Equipment used in general education classrooms</li> <li>✗ Incentives, prizes, and gift cards</li> <li>✗ Non-educational games and social events</li> <li>✗ Direct reimbursements to non-public and private schools</li> </ul>

**Title III, Part A:**

Allowable Uses of Grant Funds	Unallowable Uses of Grant Funds
<ul style="list-style-type: none"> <li>✓ Improving and enhancing existing English language acquisition and content instructional programs</li> <li>✓ Bilingual teacher/tutor salaries (when supplemental to core programming)</li> <li>✓ Targeted programs for Students with Limited or Interrupted Formal Education (SLIFE), ELs with disabilities, or refugee students</li> <li>✓ ESL instructional coaching</li> <li>✓ Specialized PD regarding ELs for ESL teachers, general education teachers, administrators, and other school staff</li> <li>✓ Partnerships with community organizations to improve student outcomes and/or supports to families</li> <li>✓ Events to seek community input on general education and Title III programming</li> </ul>	<ul style="list-style-type: none"> <li>✗ Core services for ELs, including ESL endorsed teacher or EL coordinator salaries</li> <li>✗ Intake and assessment of ELs</li> <li>✗ Minimum, core PD necessary to provide an effective English language acquisition and content instructional program for ELs</li> <li>✗ PD costs related to training teachers to administer the state-required English language proficiency assessment (ACCESS for ELLs) or a proficiency screener, including stipends and/or substitutes</li> <li>✗ Translation/interpretation of general communications to parents, enrollment documents, parent handbooks, ILAPs, IEPs, assessments, or other documents not directly related to Title III activities</li> <li>✗ Incentives, prizes, and gift cards</li> <li>✗ Non-educational games and social events</li> <li>✗ Direct reimbursements to non-public and private schools</li> </ul>

**Title IV, Part A:**

Allowable Uses of Grant Funds	Unallowable Uses of Grant Funds
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<ul style="list-style-type: none"> <li>✓ Provide programming to improve instruction and student engagement in science, technology, engineering and mathematics (STEM)</li> <li>✓ Support college and career counseling, including providing information on financial aid</li> <li>✓ AP testing exam fees</li> <li>✓ Relationship building skills</li> <li>✓ Dropout prevention</li> <li>✓ Deliver specialized or rigorous academic courses and curricula using technology, including digital learning technologies</li> <li>✓ Carry out innovative blended learning projects</li> </ul>	<ul style="list-style-type: none"> <li>* Incentives, prizes, and gift cards</li> <li>* Non-educational games and social events</li> <li>* Major infrastructure enhancements</li> <li>* Technology purchases which exceed 15% of the non-public or private school's technology project budget</li> <li>* Direct reimbursements to non-public and private schools</li> <li>* Incentives, prizes, and gift cards</li> <li>* Non-educational games and social events</li> <li>* Direct reimbursements to non-public and private schools</li> </ul>
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**Maine Department of Education**  
**Office of ESEA Federal Programs**  
<https://www.maine.gov/doe/learning/esea>